



General Assembly

February Session, 2008

Raised Bill No. 5856

LCO No. 2815

02815_____JUD

Referred to Committee on Judiciary

Introduced by:
(JUD)

***AN ACT CONCERNING THE EMERGENCY ADMINISTRATION OF
EPINEPHRINE ON SCHOOL BUSES AND STUDENT
TRANSPORTATION VEHICLES.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 10-212a of the 2008 supplement to the general
2 statutes is repealed and the following is substituted in lieu thereof
3 (*Effective October 1, 2008*):

4 (a) (1) A school nurse or, in the absence of such nurse, any other
5 nurse licensed pursuant to the provisions of chapter 378, including a
6 nurse employed by, or providing services under the direction of a local
7 or regional board of education at, a school-based health clinic, who
8 shall administer medical preparations only to students enrolled in such
9 school-based health clinic in the absence of a school nurse, the
10 principal, any teacher, licensed physical or occupational therapist
11 employed by a school district, or coach of intramural and
12 interscholastic athletics of a school may administer, subject to the
13 provisions of subdivision (2) of this subsection, medicinal
14 preparations, including such controlled drugs as the Commissioner of
15 Consumer Protection may, by regulation, designate, to any student at

16 such school pursuant to the written order of a physician licensed to
17 practice medicine, or a dentist licensed to practice dental medicine in
18 this or another state, or an optometrist licensed to practice optometry
19 in this state under chapter 380, or an advanced practice registered
20 nurse licensed to prescribe in accordance with section 20-94a, or a
21 physician assistant licensed to prescribe in accordance with section 20-
22 12d, and the written authorization of a parent or guardian of such
23 child. The administration of medicinal preparations by a nurse
24 licensed pursuant to the provisions of chapter 378, a principal, teacher,
25 licensed physical or occupational therapist employed by a school
26 district, or coach shall be under the general supervision of a school
27 nurse. No such school nurse or other nurse, principal, teacher, licensed
28 physical or occupational therapist employed by a school district [,] or
29 coach, or school paraprofessional, school bus operator or operator of a
30 student transportation vehicle administering medication pursuant to
31 subsection (d) of this section, shall be liable to such student or a parent
32 or guardian of such student for civil damages for any personal injuries
33 that result from acts or omissions of such school nurse or other nurse,
34 principal, teacher, licensed physical or occupational therapist
35 employed by a school district [,] or coach, or school paraprofessional,
36 school bus operator or operator of a student transportation vehicle
37 administering medication pursuant to subsection (d) of this section, in
38 administering such preparations that may constitute ordinary
39 negligence. This immunity does not apply to acts or omissions
40 constituting gross, wilful or wanton negligence.

41 (2) Each local and regional board of education that allows a school
42 nurse or, in the absence of such nurse, any other nurse licensed
43 pursuant to the provisions of chapter 378, including a nurse employed
44 by, or providing services under the direction of a local or regional
45 board of education at, a school-based health clinic, who shall
46 administer medical preparations only to students enrolled in such
47 school-based health clinic in the absence of a school nurse, the
48 principal, any teacher, licensed physical or occupational therapist

49 employed by a school district, or coach of intramural and
50 interscholastic athletics of a school to administer medicine or that
51 allows a student to self-administer medicine shall adopt written
52 policies and procedures, in accordance with this section and the
53 regulations adopted pursuant to subsection (c) of this section, that
54 shall be approved by the school medical advisor or other qualified
55 licensed physician. Once so approved, such administration of
56 medication shall be in accordance with such policies and procedures.

57 (3) A director of a school readiness program as defined in section
58 10-16p of the 2008 supplement to the general statutes or a before or
59 after school program exempt from licensure by the Department of
60 Public Health pursuant to subdivision (1) of subsection (b) of section
61 19a-77 of the 2008 supplement to the general statutes, or the director's
62 designee, may administer medications to a child enrolled in such a
63 program in accordance with regulations adopted by the State Board of
64 Education in accordance with the provisions of chapter 54. No
65 individual administering medications pursuant to this subdivision
66 shall be liable to such child or a parent or guardian of such child for
67 civil damages for any personal injuries that result from acts or
68 omissions of such individual in administering such medications which
69 may constitute ordinary negligence. This immunity shall not apply to
70 acts or omissions constituting gross, wilful or wanton negligence.

71 (b) Each school wherein any controlled drug is administered under
72 the provisions of this section shall keep such records thereof as are
73 required of hospitals under the provisions of subsections (f) and (h) of
74 section 21a-254 and shall store such drug in such manner as the
75 Commissioner of Consumer Protection shall, by regulation, require.

76 (c) The State Board of Education, in consultation with the
77 Commissioner of Public Health, may adopt regulations, in accordance
78 with the provisions of chapter 54, as determined to be necessary by the
79 board to carry out the provisions of this section, including, but not
80 limited to, regulations that (1) specify conditions under which a coach

81 of intramural and interscholastic athletics may administer medicinal
82 preparations, including controlled drugs specified in the regulations
83 adopted by the commissioner, to a child participating in such
84 intramural and interscholastic athletics, (2) specify conditions and
85 procedures for the administration of medication by school personnel to
86 students, and (3) specify conditions for self-administration of
87 medication by students. The regulations shall require authorization
88 pursuant to: (A) The written order of a physician licensed to practice
89 medicine, a dentist licensed to practice dental medicine in this or
90 another state, an advanced practice registered nurse licensed under
91 chapter 378, a physician assistant licensed under chapter 370, a
92 podiatrist licensed under chapter 375 or an optometrist licensed under
93 chapter 380; and (B) the written authorization of a parent or guardian
94 of such child.

95 (d) (1) With the written authorization of a student's parents, and (2)
96 pursuant to the written order of the student's (A) physician licensed to
97 practice medicine, (B) an optometrist licensed to practice optometry
98 under chapter 380, (C) an advanced practice registered nurse licensed
99 to prescribe in accordance with section 20-94a, or (D) a physician
100 assistant licensed to prescribe in accordance with section 20-12d, a
101 school nurse and a school medical advisor may jointly approve and
102 provide general supervision to an identified school paraprofessional to
103 administer medication, including, but not limited to, medication
104 administered with a cartridge injector, or an identified school bus
105 operator or operator of a student transportation vehicle to administer
106 medication administered with a cartridge injector, to a specific student
107 with a medically diagnosed allergic condition that may require prompt
108 treatment in order to protect the student against serious harm or death.
109 For purposes of this subsection, "cartridge injector" means an
110 automatic prefilled cartridge injector or similar automatic injectable
111 equipment used to deliver epinephrine in a standard dose for
112 emergency first aid response to allergic reactions, "school bus" means a
113 school bus, as defined in section 14-1 of the 2008 supplement to the

114 general statutes, and "student transportation vehicle" means a student
115 transportation vehicle, as defined in section 14-212.

116 Sec. 2. Section 52-557c of the general statutes is repealed and the
117 following is substituted in lieu thereof (*Effective October 1, 2008*):

118 [The] Except as provided in section 10-212a of the 2008 supplement
119 to the general statutes, as amended by this act, the standard of care
120 applicable to the owners and operators of any school bus, as defined in
121 section 14-275 of the 2008 supplement to the general statutes, or of any
122 motor vehicle registered as a service bus transporting children to and
123 from school or school activities, private or public camps or any other
124 activities concerning the transportation of groups of children shall be
125 the same as the standard of care applicable to common carriers of
126 passengers for hire.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2008</i>	10-212a
Sec. 2	<i>October 1, 2008</i>	52-557c

Section 1	<i>October 1, 2008</i>	10-212a
Sec. 2	<i>October 1, 2008</i>	52-557c

Statement of Purpose:

To provide immunity from civil liability to any authorized school bus driver or operator of a student transportation vehicle who administers a standard dose epinephrine injection for emergency first aid response to a student's allergic reaction.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]